

# **Form FOC 10 / 52 and Form FOC 89**

## **UNIFORM SUPPORT ORDER AND ORDER REGARDING CUSTODY AND PARENTING TIME**

### **Use this form if:**

- you had a hearing on your Motion Regarding Custody (Form FOC 87) and both you and the other party (and a third party) agree to sign the order without another hearing; or
- you had a hearing on your Motion Regarding Custody (Form FOC 87) and the other party (and a third party) will not sign the order; or
- you and the other party (and a third party) have agreed on the custody, parenting time, and support and want the court to sign your proposed order without having to file a motion and attend a hearing on the motion.

## ORDER CHECKLIST

Use the following checklist to make sure you have done all the steps that are needed.

### DID YOU . . .

1. Fill out all requested information on the form? YES ☐
2. Make all necessary copies? YES ☐
3. Get the judge's signature? (NOTE: See pages 3-5 for details) YES ☐
4. Return to the clerk's office with **all** copies of the signed order? YES ☐
5. Make sure the clerk stamps all copies of the signed order? YES ☐
6. Keep one copy of the signed order for yourself? YES ☐
7. Mail (serve) a copy of the order on the other party and on any other custodian/guardian after it was stamped by the clerk? YES ☐
8. Give 2 copies of the completed form to the clerk of the court? YES ☐

If you cannot answer "yes" to all of the above steps, you do not have a valid order.

By using this form packet you are representing yourself in a court action regarding custody, parenting time, and support. In order to receive the action you seek, you must follow the instructions in this packet. If you fail to do even one of the required steps, the order you get from the court may not give you the custody you want. **Note:** Regardless of the custody you ask for, the court is required to use the Child Custody Act in deciding what custody should be. If you filed the motion form FOC 87, you are responsible for preparing the order even if it is not what you asked for.

**If you have any questions about any steps in the process, refer to pages 3 through 5 of this booklet for details.**

## **What instructions are in this packet:**

Page 3 - Instructions for getting a stipulated (mutually agreed upon) order signed

Page 5 - Instructions for getting an order signed after a hearing

## **INSTRUCTIONS FOR GETTING A STIPULATED (MUTALLY AGREED UPON) ORDER SIGNED**

**(when both parties have signed the order without a hearing)**

### **»» SIGNING AND FILING OF ORDER**

**NOTE:** A hearing on a stipulated order is not necessary unless the judge requests it.

#### **1. Fill out the Order form.**

Use the instructions on page 6. Since there is only an original of the form in this packet, type or print neatly. Be careful not to make mistakes.

**Make at least 5 copies of the form after you have filled it out.**

#### **2. Approval by friend of the court.**

In some courts the order has to be approved by the friend of the court before the judge will sign it. Contact the friend of the court office and ask them if the order must be approved by them. Then do either step a. or b. below.

a. If the order must be approved by the friend of the court, go to the friend of the court office with the original and 5 copies of the order. Leave the order with the office. Someone from the office should tell you when to come back for the order or should call you when the order has been approved. If you do not hear from the office within 5 days, contact them to find out when to pick up the order. Go back and pick up the order. Then do step 3. below.

b. If the order does not need to be approved by the friend of the court, do step 3. below.

#### **3. Get the Order to the judge.**

Since the other party or third party has signed the order, contact the friend of the court for instructions to get the order signed by the judge. Listen carefully to all the instructions for getting the order signed. Every circuit has a different way of handling the signing of orders. Ask when to come back for the signed order. If the signed order is sent to the county clerk by the judge, you won't have to pick it up.

#### **4. Pick up the signed order.**

If the other party or third party signed the order and you dropped it off for the judge's signature, go back and pick it up on the day and time you were told unless the judge sends the signed order to the county clerk for you. If you have to pick up the order, make sure you pick up the original and all 5 copies of the order.

#### **6. Return to the county clerk.**

Once you have the signed order (FOC 10 / 52 & 89), bring the original and 5 copies with you. The clerk will stamp the order, keep the original and 1 copy and return the other 4 copies to you. The county clerk will deliver 1 copy to the friend of the court.

### **» » SERVING THE ORDER ON THE ORDER PARTY OR PARTIES**

#### **1. Serve the signed order on the other party.**

The other party must be served with (notified of) 1 copy of the signed order.

**NOTE:** Serve the papers by mailing them to the other party by regular, first class mail.

#### **What you need for service:**

- 1 Copy of FOC 10 / 52 & 89 - for the other party
- 2 Copies of FOC 10 / 52 & 89 - for proof of service
- Any additional copies of FOC 10 / 52 & 89 - for other custodian or guardian if there is someone other than the other parent who has care or custody of the child(ren).

Mail 1 copy to the other party. If there is a custodian or guardian, mail 1 copy to them. Then fill out the Certificate of Mailing on the front of the remaining 3 copies. Keep 1 copy for your own records.

#### **2. Return to the county clerk.**

Once you have mailed the order and filled out the certificate of mailing on the remaining 3 copies, return to the county clerk's office with 2 copies. Remember to keep 1 copy for your own records. The clerk will deliver 1 copy to the friend of the court.

## INSTRUCTIONS FOR GETTING THE ORDER SIGNED AFTER A HEARING

### »» SIGNING AND FILING OF AN ORDER

#### 1. Fill out the Order form.

Normally you will fill out the order at the hearing on the motion. Use the instructions on page 6. Since there is only one copy of the form in this packet, be careful not to make mistakes.

**Make copies of the form based on the instructions on either page 3 of this booklet or in booklets for forms FOC 53 or FOC 54 depending on your situation.**

#### 2. Approval by friend of the court.

In some courts the order has to be approved by the friend of the court before the judge will sign it. Contact the friend of the court office and ask them if the order must be approved by them. Then do either step a. or b. below.

- a. If the order must be approved by the friend of the court, go to the friend of the court office with the original and 5 copies of the order. Leave the order with the office. Someone from the office should tell you when to come back for the order or should call you when the order has been approved. If you do not hear from the office within 5 days, contact them to find out when to pick up the order. Go back and pick up the order. Then do step 3. below.
- b. If the order does not need to be approved by the friend of the court, do step 3. below.

#### 3. Get the Order signed by the judge.

After you have filled out the order, you have to get it signed by the judge. **If both you and the other party sign the order to show you both approve the order, then go to page 3 and 4 of this booklet for further instructions on getting the order signed by the judge. Otherwise** you must do either of the following:

- a. Schedule and attend a hearing to get the order signed.  
**(Use packet for Form FOC 53, Notice of Hearing to Enter Order)**
- b. Notify the other party in writing that the order will be given to the judge to sign and that he or she has 7 days to file any written objections. If no objections are filed by the other party, the order can be signed.  
**(Use packet for Form FOC 54, Notice to Enter Order without Hearing)**

# **INSTRUCTIONS FOR COMPLETING "ORDER REGARDING CUSTODY AND PARENTING TIME" AND "UNIFORM SUPPORT ORDER"**

**Please print neatly. After filling in the form, you will need to make copies.**

Items A through N and form FOC 10 / 52 must be completed before the order can be given to the judge for signature. Please read the instruction for each item. Then fill in the correct information for that item on the form.

- (A)** Before you fill in the Case No., get your copy of the Motion (Form FOC 87) or your court papers for custody, divorce, annulment, separate maintenance, family support, or paternity. Copy the Case No. from that paper onto all 3 pages of this form.
- (B)** Also use your court papers to fill in the "Plaintiff" and "Defendant" boxes, and if applicable, the "Third party" box. Copy the names from these court papers onto all 3 pages of this form. For example, if your name is in the box that says "plaintiff", then you should write your name in the "plaintiff" box on this order form.
- (C)** Fill in this information only if there was a hearing on a Motion Regarding Custody.
- (D)** If you filed a Motion Regarding Custody (FOC 87) and the other party will not sign the order, a hearing to enter the order is required. Check the box "after hearing".

If you filed a Motion Regarding Custody (FOC 87) and the other party will sign the order without a hearing to enter the order, check the box "on consent of the parties".

If you and the other party are filling out this order based on an agreement between both of you and you are not filing a motion with the court, check the box "on stipulation of the parties". Even if you have checked this box, the court may still require a hearing. If a hearing is required, follow the directions on scheduling a hearing in the booklet for form FOC 53, Notice of Hearing to Enter Order.

- (E)** Check the box for number 2 only if you filed a Motion Regarding Custody (FOC 87). Check the box for number 3 only if the other party filed a Response to Motion Regarding Custody (FOC 88). Use the following instructions for numbers 4 through 11.

Check only those boxes which say what the judge or referee ordered at the hearing on the motion. Then write in the blank spaces provided what the judge or referee ordered at the hearing. This information must state as closely as possible the exact words of the judge or referee. Use the notes you took at the hearing when filling out this part of the order form.

If you did not check number 2, you and the other party are stipulating to the order. This means that you both have agreed on what you want the court to order and have not filed a motion. Since there may not be a hearing, you must write in as much detail as possible exactly what you agree on. Make sure you include everything you agreed on. Anything that you do not write down on this form will not be ordered even if you and the other party had agreed on it.

## **Complete FOC 10 / 52 using the instructions for that form.**

If you filed a motion (FOC 87) and the other party has agreed to sign the order without a hearing to enter the order, both you and the other party must sign the order. If the other party will not sign the order without a hearing to enter the order, follow the directions on scheduling a hearing in the booklet for form FOC 53, Notice of Hearing to Enter Order. If you and the other party are stipulating to the order, you both must sign the order.

Some courts require the friend of the court to approve the order before the judge will sign it. To find out if this is required, contact the friend of the court office. If it is required, see either page 3 or 5 of this booklet for directions on getting the friend of the court's approval.

To find out how to get the order signed, contact the friend of the court office for instructions. See either page 3 or 5 of this booklet for details.

On the date you serve a copy on the other party, write in the date and sign your name on the remaining 3 copies. Return to the county clerk with 2 copies.

**You must read this booklet and other booklets dealing with orders for directions on the legal process.**

**STATE OF MICHIGAN  
JUDICIAL CIRCUIT  
COUNTY****ORDER REGARDING CUSTODY AND  
PARENTING TIME****A****CASE NO.**

Court address

Court telephone no.

**B**

Plaintiff's name, address, and telephone no.

v

Defendant's name, address, and telephone no.

Third party's name, address, and telephone no.

**C**

Date: \_\_\_\_\_

Judge: \_\_\_\_\_

Bar no.

**D**

1. This order is entered ☐ after hearing. ☐ on consent of the parties. ☐ on stipulation of the parties.

**E****THE COURT FINDS:**

- ☐ 2. A motion requesting custody, parenting time, and support or a change to custody, parenting time, and support was filed.  
☐ 3. A response to the motion was filed.  
☐ 4. A change of circumstances ☐ does ☐ does not exist which warrants a custody order or change in custody.  
☐ 5. Proper cause ☐ does ☐ does not exist which warrants a custody order or a change in custody.  
☐ 6. It ☐ is ☐ is not in the best interests of the child(ren) to ☐ establish ☐ change parenting time.  
☐ 7. A material change of circumstances exists which warrants a change in the support order.  
☐ 8. It is in the best interests of the child(ren) to dismiss the motion.

**IT IS ORDERED:**

- ☐ 9. The motion regarding custody, parenting time, and support is dismissed. The prior order remains in effect.  
☐ 10. Custody is granted as follows:

Name(s) of child(ren): \_\_\_\_\_

- ☐ Joint legal to ☐ plaintiff ☐ defendant ☐ third party

Unless otherwise agreed, a parent whose custody or parenting time of a child is governed by this order shall not change the legal residence of the child except in compliance with section 11 of the Child Custody Act of 1970, 1970 PA 91, MCL 722.31.

- ☐ Joint physical to ☐ plaintiff ☐ defendant ☐ third party

- ☐ Sole legal to ☐ plaintiff ☐ defendant ☐ third party

- ☐ Sole physical to ☐ plaintiff ☐ defendant ☐ third party

11. Parenting time is ☐ established ☐ changed as follows:  
 Explain in detail what the court has ordered.

12. The parents shall cooperate with respect to a child so as, in a maximum degree, to advance a child's health, emotional, and physical well-being and to give and afford a child the affection of both parents and a sense of security. Neither parent will, directly or indirectly, influence a child so as to prejudice a child against the other parent. The parents will endeavor to guide a child so as to promote the affectionate relationship between a child and the mother and a child and the father. The parties will cooperate with each other in carrying out the provisions of this order for a child's best interests. Whenever it seems necessary to adjust, vary or increase the time allotted to either party, or otherwise take action regarding a child, each of the parties shall act in the best interests of the child. Neither party shall do anything which may estrange the from the child, injure the child's opinion of the other party, or which will hamper the free and natural development of the child for the other party.
13. The parent with primary physical custody shall notify the friend of the court in writing whenever the address of a minor child changes.

Date

Judge

**Support provisions ordered on form FOC 10 / 52.**

MCL 552.14, MCL 552.517b(3), MCL 722.21 et seq., MCR 2.119

**STATE OF MICHIGAN  
JUDICIAL CIRCUIT  
COUNTY****UNIFORM SUPPORT ORDER**☐ **MODIFICATION****CASE NO.**

Court address

FAX no.

Court telephone no.

Plaintiff's name, address, and telephone no.

Defendant's name, address, and telephone no.

**v**

Plaintiff's source of income name, address, and telephone no.

Defendant's source of income name, address, and telephone no.

Unless otherwise ordered, this order continues until each child is age 18 or graduates from high school as provided in MCL 552.605b, whichever is later, but no longer than age 19 1/2 as follows:

1. **Support.** Unless otherwise ordered, support shall be paid by income withholding when available, through the friend of the court or State Disbursement Unit. The support obligation is set monthly according to the following details:

Support payer:			Support payee:		
Effective date:		Spousal support: \$		End date of spousal support:	
Children supported:	1 child	2 children	3 children	4 children	5 or more children
Base support:	\$	\$	\$	\$	\$
Ordinary medical:	\$	\$	\$	\$	\$
Child care:	\$	\$	\$	\$	\$
Total:	\$	\$	\$	\$	\$
<input type="checkbox"/> Base support shall abate 50% after 6 consecutive overnights under MCSF 3.07 of the current year.					
<input type="checkbox"/> Support based on shared economic responsibility was set using payer's general support obligation of \$_____ and _____ overnights of parenting may be adjusted under MCSF 3.06 of the current year.					
The above ordered support provisions <input type="checkbox"/> do <input type="checkbox"/> do not follow the child support formula.					

2. **Insurance.** ☐ Plaintiff ☐ Defendant shall carry insurance [as the term "insurer" is defined in MCL 552.602(o)] covering hospital, dental, optical, and other medical expenses when coverage is available at a reasonable cost through an employer or under an existing individual policy.
3. **Uninsured Medical Expenses.** All uninsured health care expenses will be paid \_\_\_\_\_% by the plaintiff and \_\_\_\_\_% by the defendant. Uninsured expenses exceeding the yearly amount of the ordinary medical support in the year they are incurred that are not paid within 28 days of a written payment request may be enforced by the friend of the court.
4. **Qualified Medical Support Order.** This order is a qualified medical support order under 29 USC 1169. To qualify this order, the friend of the court shall issue a notice to enroll under MCL 552.626b. A parent may contest the notice by requesting a review or hearing concerning availability of health care at a reasonable cost.
5. **Retroactive Modification, Surcharge for Past Due Support, and Liens for Unpaid Support.** Support is a judgment the date it is due and shall not be modified retroactively. A surcharge will be added to past due support. Unpaid support is a lien by operation of law and the payer's property can be encumbered or seized if an arrearage accrues for more than the periodic support payments payable for two months under the payer's support order.
6. **Change of Address, Employment Status, Health Insurance.** Both parties shall notify the friend of the court in writing, within 21 days of the change, of any change in: a) their mailing or residence address and telephone number; b) the name, address, and telephone number of their employer or source of income; c) their health maintenance or insurance company, insurance coverage, persons insured, or contract number; d) their occupational or driver licenses; and e) their social security number unless exempt by law under MCL 552.603.
7. **Redirection and Abatement:** Subject to the procedures prescribed in MCL 552.605d: 1) the friend of the court may redirect support paid for a child to the person who is legally responsible for the actual care, support, and maintenance of a child when that person is different than the payee of support; 2) support shall abate for a child who resides on a full-time basis with the payer of support.
8. **Fees.** The payer of support shall pay statutory and service fees as required by law.
9. **Prior Orders.** Except as changed in this order, the prior order shall remain in effect. Support payable under any prior order is preserved.
10. **Other: (attach separate sheets as needed)**

Plaintiff (if consent/stipulation)

Date

Defendant (if consent/stipulation)

Date

Date

Judge

Bar no.